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MICHAEL BATEMAN

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MICHAEL BATEMAN, individually
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

AMERICAN MULTI-CINEMA, INC.;
and DOES 1 through 10, inclusive,

Defendants.

Case No. CV07-00171 JFW (AJWx)

Hon. John F. Walter

FILED AS CLASS ACTION

JOINT STATUS REPORT

Action filed: January 9, 2007

1 Plaintiff Michael Bateman, individually and on behalf of all others similarly
 2 situated (“Bateman”), and Defendant American Multi-Cinema, Inc. (“AMC”),
 3 respectfully submit this joint status report as required by the Court’s March 7, 2013
 4 order. (Dkt. No. 134.)

5 **BRIEF PROCEDURAL HISTORY**

6 On January 9, 2007, Bateman filed this putative class action against AMC
 7 alleging violations of the Fair and Accurate Credit Transactions Act (“FACTA”),
 8 15 U.S.C. § 1681c(g).

9 On October 24, 2008, the Court (then Cooper, J.) denied Bateman’s motion
 10 for class certification. (Dkt. No. 54.)

11 Bateman petitioned the Ninth Circuit for permission to appeal the order
 12 denying class certification. (Case No. 09-55108.) The petition was granted, and the
 13 appeal was briefed and heard. On September 27, 2010, the Ninth Circuit reversed
 14 the order denying class certification and remanded the action to this Court. *See*
 15 *Bateman v. AMC*, 623 F.3d 708, 724 (9th Cir. 2010).

16 AMC petitioned the Ninth Circuit for panel rehearing or, alternatively,
 17 rehearing en banc. While AMC’s petition was pending, the parties reached a
 18 classwide settlement. (Dkt. No. 70.) At the parties’ request, the Ninth Circuit
 19 remanded the case to this Court for the limited purpose of evaluating the parties’
 20 settlement. (Dkt. No. 75.)

21 On October 11, 2011, the Court (then Nguyen, J.) granted final approval of
 22 the parties’ settlement. (Dkt. No. 112.) In doing so, it overruled the objection of the
 23 sole objector to the settlement, Cassie Grimes Hampe. (*Id.*)

24 Also on October 11, 2011, the Court granted in part and denied in part class
 25 counsel’s motion for attorneys’ fees and costs. (Dkt. No. 114.)

26 Class counsel appealed the fee order to the Ninth Circuit. (Dkt. No. 115;
 27 Case No. 11-56970.) The fee appeal has been fully briefed. Oral argument has not
 28 yet been scheduled.

1 In the meantime, the objector, Ms. Hampe, appealed both the order granting
 2 final approval of the settlement and the fee order. (Dkt. No. 117; Case No. 11-
 3 57027.) Her appeal was voluntarily dismissed in its entirety on December 5, 2012.
 4 (Dkt. No. 128.) Upon the dismissal of the objector's appeal, the parties' settlement
 5 became final.

6 The parties filed a joint status report with the Ninth Circuit advising that,
 7 because the settlement had become final, AMC's pending petition for rehearing of
 8 the Ninth Circuit's opinion on class certification was moot. In response, the Ninth
 9 Circuit dismissed AMC's petition as moot. (Dkt. No. 129.) The Ninth Circuit
 10 subsequently issued its mandate reversing the order on class certification and
 11 remanding to this Court. (Dkt. No. 130.)

12 CURRENT STATUS

13 At this point, the only unresolved issue is class counsel's appeal of the
 14 Court's fee order, which is pending before the Ninth Circuit. If the fee order is
 15 reversed and remanded, then class counsel's fee request would return to this Court
 16 for redetermination. Because oral argument has not yet been set, the parties
 17 respectfully request that the Court order another joint status report to be filed in six
 18 months.

19 Dated: March 13, 2013

MANATT, PHELPS & PHILLIPS, LLP

21 By: /s/ Joseph E. Laska

22 Joseph E. Laska
 23 *Attorneys for Defendant*
 AMERICAN MULTI-CINEMA, INC.

24 Dated: March 13, 2013

KARASIK LAW FIRM

26 By: /s/ Gregory N. Karasik

27 Gregory N. Karasik
 28 *Attorneys for Plaintiff*
 MICHAEL BATEMAN